

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gelfand et al.

Serial No.: 07/873,897

Art Unit: 1651

Filed: April 24, 1992

Examiner: D. Naff

For: PURIFIED THERMOSTABLE ENZYME



**PETITION FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)(2)**

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R:

Pursuant to 37 C.F.R. § 1.97(d)(2), Applicants hereby petition for consideration of the Third Supplemental Information Disclosure Statement submitted herewith in connection with the above-identified patent application.

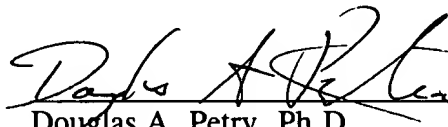
As certified pursuant to 37 C.F.R. § 1.97(d)(1) in the accompanying Third Supplemental Information Disclosure Statement, the Statement cites a Decision released by the District Court of the Northern District of California on December 7, 1999 ("December 1999 Decision"), and, thus, the December 1999 Decision was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making a reasonable inquiry, the December 1999 Decision was not known to any individual designated in 37 C.F.R. § 1.56(b) more than three months prior to the filing of the Third Supplemental Information Disclosure Statement. Additionally, the Third

Supplemental Information Disclosure Statement is being filed prior to the payment of the issue fee, and pursuant to 37 C.F.R. § 1.97(d)(3), the fee under 37 C.F.R. § 1.17(i), which is estimated to be \$130.00, is included herewith.

Thus, although the accompanying Third Supplemental Information Disclosure Statement is being submitted after the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311, Applicants submit that the requirements for consideration of the reference according to 37 C.F.R. § 1.97(d) have been met and, therefore, respectfully request that this Petition be granted.

Respectfully submitted,

Date: December 20, 1999


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